

#9

IN THE UNITED STATES RECEIVING OFFICE (RO/US)

Applicants: Inga Reynisdottir, Jeffrey R. Gulcher, Struan F. Grant  
and Gudmar Thorleifsson

U.S. Application No.: 10/533,365

U.S. National Stage of  
International Application No.: PCT/US2003/034801

International Filing Date: 31 October 2003

For: HUMAN TYPE II DIABETES GENE-SLIT-3 LOCATED  
ON CHROMOSOME 5q35

Date: December 2, 2005

EXPRESS MAIL LABEL NO. EV 215 893680 US

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
(DECLARATION PREVIOUSLY FILED)

Mail Stop PCT (DO/EO)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith is a copy of the *Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)* dated November 22, 2005. The required Declaration for Patent Application and Power of Attorney document, together with the required surcharge, were filed on November 9, 2005, prior to receipt of the *Notification*.

Copies of the submitted documents, including the date stamped postcard evidencing receipt, are enclosed.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Pamela A. Torpey  
Pamela A. Torpey  
Registration No. 45,736  
Telephone (978) 341-0036  
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Date: December 2, 2005

DOCKETED



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,365	Inga Reynisdottir	2345.2046-007

INTERNATIONAL APPLICATION NO.
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PCT/US03/34801

I.A. FILING DATE	PRIORITY DATE
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10/31/2003

11/01/2002

021005  
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
 530 VIRGINIA ROAD  
 P.O. BOX 9133  
 CONCORD, MA 01742-9133

CONFIRMATION NO. 4456

371 FORMALITIES LETTER



\*OC000000017501794\*

Date Mailed: 11/22/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/29/2005
- Copy of the International Search Report filed on 04/29/2005
- Preliminary Amendments filed on 04/29/2005
- Information Disclosure Statements filed on 04/29/2005
- Biochemical Sequence Diskette filed on 04/29/2005
- Biochemical Sequence Listing filed on 04/29/2005
- Copy of references cited in ISR filed on 04/29/2005
- U.S. Basic National Fees filed on 04/29/2005
- Priority Documents filed on 04/29/2005
- Specification filed on 04/29/2005
- Claims filed on 04/29/2005
- Abstracts filed on 04/29/2005
- Drawings filed on 04/29/2005
- Paper Computer Listings filed on 04/29/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

RECEIVED

NOV 28 2005

HAMILTON, BROOK,  
 SMITH & REYNOLDS, P.C.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,365	PCT/US03/34801	2345.2046-007

FORM PCT/DO/EO/905 (371 Formalities Notice)

Rec'd PCT/PTO 02 DEC 2005

Initials: AOC/PAT/mdm Docket No.: 2345.2046-007 Date: 11/09/2005

This is to acknowledge receipt of the following documents each filed under Express Mail Procedure 37 C.F.R. 1.10, Label No. EV 215 893 557 US:

☒ TRANSMITTAL OF DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY  
☒ EXECUTED DECL. FOR PATENT APPLICATION - Total pages 2  
☒ EXECUTED POA by ☒ Assignee        Applicant/Inventor - No. of Docs. 1  
☒ Statement under 3.73(b) ☒ Copy of Assignment - No. of Docs. 1  
☒ SURCHARGE included  
☒ Check for \$ 130        Authorization to Charge all Fees  
       Other

Applicants: Inga Reynisdottir, *et al.*  
U.S. Application No.: 10/533,365  
Int'l Application No.: PCT/US03/34801 Int'l Filing Date: 31 October 2003  
Title: HUMAN TYPE II DIABETES ...

Date received by the PTO:  
@PFDesktop\ODMA\MHODMA\HBSR05;imange;585905;1

JC10 Rec'd PCT/PTO 09 NOV 2005

Rec'd PCT/PTO 02 DEC 2005

IN THE UNITED STATES RECEIVING OFFICE (US/DO/EO)

Applicants: Inga Reynisdottir, Jeffrey R. Gulcher, Struan F. Grant  
and Gudmar Thorleifsson

U.S. Application No.: 10/533,365

U.S. National Stage of:

International Application No.: PCT/US03/34801

International Filing Date: 31 October 2003

For: HUMAN TYPE II DIABETES GENE-SLIT-3 LOCATED ON  
CHROMOSOME 5q35

Date: 11-9-2005

EXPRESS MAIL LABEL NO. EV 215 893 557 US

EV215893557US

TRANSMITTAL OF DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY

Mail Stop PCT (DO/EO)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed for filing in the U.S. Receiving Office is an executed Declaration for Patent Application and a Power of Attorney document. The Declaration for Patent Application and the Power of Attorney document are being filed before receipt of the Notification of Missing Requirements (Form PCT/DO/EO/905).

A check in the amount of \$130 is enclosed in payment of the surcharge.

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Pamela A. Torpey  
Pamela A. Torpey

Registration No.: 45,736

Telephone (978) 341-0036

Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Date:

November 9, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[ ] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HUMAN TYPE II DIABETES GENE-SLIT-3 LOCATED ON CHROMOSOME 5q35

the specification of which (check one)

[ ] is attached hereto.

[ ] was filed on [ ] as United States Application Number [ ].

[X] was filed on October 31, 2003 as PCT International Application No. PCT/US03/34801 and assigned United States Application No. 10/533,365.

[ ] and was amended on [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby expressly authorize the filing of an International Patent Application under the Patent Cooperation Treaty which corresponds to and claims the priority of the above-identified application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed? YES NO	
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ]	[ ]
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ]	[ ]
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ]	[ ]

Rec'd PCT/PTO 02 DEC 2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <u>Inga Reynisdottir</u>			
Inventor's Signature <u>Inga Reynisdottir</u>		<u>Oct. 7, 2005</u>	
Residence: City	State	Country	Citizenship
Reykjavik		Iceland	Iceland
Mailing Address (Business or Residential)			
Street or P.O. Box <u>Gunnarsbraut 26</u>			
City	State	ZIP	Country
Reykjavik		105	Iceland

Full name of second joint inventor, if any <u>Jeffrey R. Gulcher</u>			
Inventor's Signature <u>Jeff Gulcher</u>		<u>Oct 7, 2005</u>	
Residence: City	State	Country	Citizenship
Lake Barrington	Illinois	USA	USA
Mailing Address (Business or Residential)			
Street or P.O. Box <u>25663 N. Countryside Drive</u>			
City	State	ZIP	Country
Lake Barrington	Illinois	60010	USA

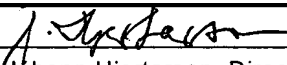
  

Full name of third joint inventor, if any <u>Struan F. Grant</u>			
Inventor's Signature <u>Struan F. Grant</u>		<u>Oct 5, 2005</u>	
Residence: City	State	Country	Citizenship
Reykjavik		Iceland	Iceland
Mailing Address (Business or Residential)			
Street or P.O. Box <u>Sorlaskjol 1</u>			
City	State	ZIP	Country
Reykjavik		107	Iceland

Full name of fourth joint inventor, if any <u>Gudmar Thorleifsson</u>			
Inventor's Signature <u>Gudmar Thorleifsson</u>		<u>Oct 10, 2007</u>	
Residence: City	State	Country	Citizenship
Reykjavik		Iceland	Iceland
Mailing Address (Business or Residential)			
Street or P.O. Box <u>Vesturberg 155</u>			
City	State	ZIP	Country
Reykjavik		111	Iceland

<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	<i>Application Number</i>	10/533,365		
	<i>Int'l Filing Date</i>	31 October 2003		
	<i>First Named Inventor</i>	Inga Reynisdottir		
	<i>Confirmation Number</i>	Unknown		
	<i>Group Art Unit</i>	Unknown		
	<i>Examiner Name</i>	Unknown		
	<i>Attorney Docket Number</i>	2345.2046-007		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"><i>Title</i></td> <td>HUMAN TYPE II DIABETES GENE-SLIT-3 LOCATED ON CHROMOSOME 5q35</td> </tr> </table>			<i>Title</i>	HUMAN TYPE II DIABETES GENE-SLIT-3 LOCATED ON CHROMOSOME 5q35
<i>Title</i>	HUMAN TYPE II DIABETES GENE-SLIT-3 LOCATED ON CHROMOSOME 5q35			

I hereby appoint <input checked="" type="checkbox"/> Practitioners associated with <b>Customer No. 021005</b> <input type="checkbox"/> Practitioner(s) named below:  	
as my/our attorneys/agents to prosecute the application identified above, including any continuation or divisional applications thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.	
Please recognize or change the correspondence address for the above-identified application to: <input checked="" type="checkbox"/> Customer Number 021005 Hamilton, Brook, Smith & Reynolds, P.C. 530 Virginia Road P.O. Box 9133 Concord, Massachusetts 01742-9133 <input type="checkbox"/> Other _____	
Please direct all telephone calls and facsimiles to: Name <u>Alice O. Carroll, Esq.</u> Tel. No. <u>978-341-0036</u> Fax No. <u>978-341-0136</u>	
I am the: <input type="checkbox"/> Applicant/Inventor.  <input checked="" type="checkbox"/> Authorized representative of the Assignee, deCODE genetics ehf., of the entire interest. See 37 C.F.R. § 3.71. A Statement under 37 C.F.R. § 3.73(b) is enclosed.  <input type="checkbox"/> Authorized representative of the Assignee, [ ], together with [ ], of the entire interest. A Statement under 37 C.F.R. § 3.73(b) is enclosed.	
<b>SIGNATURE of Applicant or Assignee of Record</b>	
Signature	
Name & Title	Johann Hjartarson, Director of Legal Affairs
Date	10/29/05



Docket No. 2345.2046-007

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Inventors: Inga Reynisdottir, Jeffrey R. Gulcher, Struan F. Grant and Gudmar Thorleifsson

Application No./Patent No.: 10/533,365

Int'l Filing Date: 31 October 2003 (PCT)

For: HUMAN TYPE II DIABETES GENE-SLIT-3 LOCATED ON CHROMOSOME 5q35

deCODE genetics ehf.

(Name of Assignee)

a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or

B. ☐ an assignee together with [ ] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

A. ☒ An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature: J. Hjartarson

Name: Jóhann Hjartarson

Title: Director of Legal Affairs

Date: 10/19/05

COPY

Docket No. 2345.2046-007

Rec'd PCT/PTO 02 DEC 2005  
Joni

ASSIGNMENT

WHEREAS, we, **Inga Reynisdottir, Jeffrey R. Gulcher, Struan F. Grant and Gudmar Thorleifsson**, have invented a certain improvement in **HUMAN TYPE II DIABETES GENE-SLIT-3 LOCATED ON CHROMOSOME 5q35** described in an application for Patent,

- ☐ the specification of which is about to be filed in the United States Patent Office (*use for utility (37 CFR § 1.53(b)) and design filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☐ the specification of which is United States Application No. [ ], filed [ ];
- ☒ the specification of which is a Patent Cooperation Treaty Application, International Application No. **PCT/US03/34801**, filed October 31, 2003, which designates the United States of America and assigned United States Application No. 10/533,365;
- ☐ which was patented under United States Patent No. [ ].

WHEREAS, **deCODE genetics ehf.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of **Iceland**, and having a usual place of business at **Sturlugötu 8, 1001 Reykjavik, Iceland** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein; I hereby expressly authorize the filing of an International Patent Application under the Patent Cooperation Treaty which corresponds to and claims the priority of the above-identified application;

COPY

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

Inventor Inga Reynisdottir  
Inga Reynisdottir

Date 7. Oct. 2005

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105 Reykjavik, Iceland

Witness

Thain Snoddman

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ICELAND

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Helgi H. Hannesson

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**COPY**

Inventor Jeffrey R. Gulcher

Date Oct 7, 2004

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~~Thorir Samuelsen~~ GRENIGRAND 42 800 SELFOY  
ICELAND

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109 Reykjavik, Iceland

Inventor Struan F. LHA  
Struan F. Grant

Date Oct 5, 2005

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107 Reykjavik, Iceland

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Kaupisbraut 32  
108 REYKJAVIK ICELAND

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Helgi H. Hannesson  
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109 Reykjavik, Iceland

**COPY**

Inventor *Gudmar Thorleifsson* Date 05/007  
Gudmar Thorleifsson

Address Vesturberg 155

111 Reykjavik, Iceland

Witness

*Thoin Snaðdóttir*

Address

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ICELAND

Witness

*Helgi H. Hannes*

Address

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109 Reykjavik, Iceland